

**EXHIBIT I TO THE JUNE 26, 2008
DECLARATION OF GREGORY I. RASIN, ESQ.**

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----X
JANNIE PILGRIM, GIOVANNA HENSON, JESAN

SPENCER and BRENDA CURTIS,

Plaintiffs,

- against -

CASE NO.: 07CIV 6618

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.
-----X

ORIGINAL

DEPOSITION OF RICHARD FISHER, taken by
Plaintiffs, pursuant to Notice on Wednesday, March
5, 2008, commencing at 9:38 a.m., before Chandra D.
Brown, a Registered Professional Reporter and Notary
Public within and for the State of New York.

1 R. Fisher

2 Q Prior to your promotion, what were your
3 job duties?

4 A I was director of Human Resources and I
5 was supporting corporate. That was a segment group.

6 Q What was it?

7 A Corporate which was a corporate segment.

8 Q Do you recall what your job duties were
9 when you were director of H/R, supporting corporate
10 segments?

11 A Yes, I do.

12 Q What were your job duties?

13 A Human Resources general support, which
14 included employee relations and staffing.

15 Q Anything else?

16 A Basic generalist support within H/R.

17 Q Anything else?

18 A No.

19 Q Those were all your job duties when you
20 were director of human resources --

21 A Yes.

22 Q -- employee relations, staffing and
23 generalist support?

24 A That's correct.

25 Q Nothing else?

1 R. Fisher

2 BY MR. SOLOTOFF:

3 Q Can you please take look at this document
4 and identify the document?

5 If you need to look at the pages, you may
6 do so.

7 A (Witness views document.)

8 Q Have you completed looking at the
9 document?

10 A Yes.

11 Q Can you identify what that document is?

12 A I believe it's generated through STAR.

13 Q Now, when you say generated -- is that
14 Giovanna Henson's -- is this her second interview?

15 Is this a document that reflects her
16 second interview? What would you call this
17 document? How would you identify it for the record?

18 A It looks to me like information prior to
19 an interview, either first or second. Just
20 information prior to an interview.

21 Q Was there more than one interview with
22 Giovanna Henson?

23 A I do not believe so.

24 Q Was there a first interview with
25 Giovanna Henson?

1 R. Fisher

2 A From here, it speaks of a second
3 interview. I don't remember the interview process
4 with Giovanna.

5 Q Would a second interview or would any
6 interview have involved yourself in the interview
7 process especially as it concerns, let's say,
8 Giovanna Henson or Jessica Brookins?

9 A If she -- as she applied for the position,
10 it should have involved a discussion with me and
11 interview with me as well.

12 Q At the interview, you can tell the
13 individual's gender, you could tell the individual's
14 race; am I correct?

15 A Yes.

16 Q What was Giovanna Henson? What race was
17 she?

18 A I believe she's African-American.

19 Q Now, in regard to the second interview or
20 the reference, it says "Steps: second interview."
21 This is for the Human Resources representative
22 position that Jessica Brookins applied for; isn't
23 that correct?

24 A That's correct.

25 Q When was the decision made to hire

1 R. Fisher

2 Jessica Brookins instead of Giovanna Henson or
3 anyone else for that matter?

4 A When was the decision?

5 Q Yes.

6 A I believe it was in June of '05.

7 Q Here it says, "Status: Rejected; select
8 motive." And there is some sort of a symbol.

9 Do you see the symbol?

10 A Yes, I do.

11 Q What does that symbol represent?

12 A I'm not aware.

13 Q What was the reason why Giovanna Henson
14 was rejected by you?

15 A Jessica Brookins was the stronger
16 candidate.

17 Q Why was she stronger?

18 A She was. Her performance review was
19 rated a 5, highest possible. She was also on a
20 higher grade level when she had applied for the job
21 as well.

22 Q Did you tell Giovanna Henson the reason
23 why she was rejected?

24 A I don't remember calling Giovanna and
25 saying that. It could have taken place through the

1 R. Fisher

2 recruiting process.

3 Q Do you know whether anybody else called
4 Giovanna Henson to tell her that she was rejected,
5 if you know?

6 A I don't know.

7 Q What were the two reasons why, because
8 Jessica Brookins had a higher grade level when she
9 was hired?

10 A Higher grade level and stronger
11 performance appraisal as well.

12 Q Would that be indicated on the
13 application -- or on the form, the fact that the
14 person had a stronger performance appraisal?

15 A I knew that at the time of the decision,
16 but I don't see that indicated on Giovanna's form.

17 Q How did you know that at the time of the
18 decision? Did someone speak with you?

19 A Somebody did speak with me. I would have
20 asked for that information during the hiring
21 process.

22 Q So, who did you speak to in regard to
23 Jessica Brookins's grade level?

24 A Sitting here today, I don't remember the
25 specific circumstances of who I spoke to but that's

1 R. Fisher

2 Q Mr. Fisher, were there minimum grade
3 levels at which a person needed to have as a
4 requirement in order to be hired for this position
5 in the job description itself?

6 A I don't believe so.

7 Q So, that's something that you decided for
8 yourself that was important, is that right, grade
9 level?

10 A Grade level depicts the person's
11 responsibility. And, yes, I thought that was
12 important.

13 Q Is there anywhere in the job description
14 that it calls for a certain kind of performance
15 appraisal?

16 A In the job description? No, it does not.

17 Q Did you check on Giovanna Henson's
18 performance appraisals?

19 A That information would have been sent to
20 me, but I don't recall checking on that.

21 Q Did you speak to Sheila O'Neill about
22 Giovanna Henson at all before making the decision
23 whether to hire her or not?

24 A I spoke to a few people internally,
25 colleagues of mine, and Sheila was included in my